

ASSEMBLY BILL

No. 1139

Introduced by Assembly Member Lowenthal

February 21, 2003

An act to add Section 111247 to the Health and Safety Code, relating to medical devices.

LEGISLATIVE COUNSEL'S DIGEST

AB 1139, as introduced, Lowenthal. Medical devices: di(2-Ethylhexyl) phthalate (DEHP).

Existing law, the Sherman Food, Drug, and Cosmetic Law, contains various provisions regarding the packaging, labeling, and advertising of food, drugs, devices, and cosmetics. Violation of any of these provisions is a crime.

This bill would prohibit any person, commencing January 1, 2005, from selling or otherwise distributing any medical device containing di-(2-Ethylhexyl) phthalate (DEHP) in this state. The bill would specify that this prohibition would not apply to any medical device for which there is no alternative device approved by the federal Food and Drug Administration. Because a violation of the Sherman Food, Drug, and Cosmetic Law is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 111247 is added to the Health and
2 Safety Code, to read:
3 111247. (a) Commencing January 1, 2005, no person may
4 sell or otherwise distribute any medical device containing
5 di-(2-Ethylhexyl) phthalate (DEHP) in this state.
6 (b) Notwithstanding subdivision (a), this section shall not
7 apply to any medical device for which there is no alternative
8 device approved by the federal Food and Drug Administration.
9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.

